

1 AN ACT in relation to health.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by adding
5 Section 5.545 and changing Section 6b-1 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Pharmaceutical Assistance Fund.

8 (30 ILCS 105/6b-1) (from Ch. 127, par. 142b1)

9 Sec. 6b-1. State Pensions Fund.

10 (a) There shall be paid into the State Pensions Fund the
11 funds and proceeds from the sale of abandoned property as
12 provided in Section 18 of the "Uniform Disposition of
13 Unclaimed Property Act",~~7--enacted--by--the--Seventy-second~~
14 ~~General-Assembly.~~

15 (b) The State Treasurer shall maintain records to show
16 the amount of interest earned on all moneys deposited into
17 the State Pensions Fund pursuant to Section 18 of the Uniform
18 Disposition of Unclaimed Property Act. All such interest
19 earned on those moneys shall be credited to the
20 Pharmaceutical Assistance Fund.

21 (Source: Laws 1961, p. 3423.)

22 Section 10. The Senior Citizens and Disabled Persons
23 Property Tax Relief and Pharmaceutical Assistance Act is
24 amended by changing the title of the Act and changing
25 Sections 1, 2, and 4 as follows:

26 (320 ILCS 25/Act title)

27 An Act in relation to the payment of grants to enable the
28 elderly, and the disabled, and others to acquire or retain

1 private housing and to acquire prescription drugs.

2 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

3 Sec. 1. Short title. This Article shall-be-known-and may
4 be cited as the "~~Senior--Citizens--and--Disabled--Persons~~
5 Property Tax Relief and Pharmaceutical Assistance Act". As
6 used in this Article, "this Act" means this Article.

7 (Source: P.A. 83-1531.)

8 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

9 Sec. 2. Purpose. The purposes purpose of this Act are (i)
10 is to provide incentives to the senior citizens and disabled
11 persons of this State to acquire and retain private housing
12 of their choice and at the same time to relieve those
13 citizens from the burdens of extraordinary property taxes
14 against their increasingly restricted earning power, and
15 thereby to reduce the requirements for public housing in this
16 State, and (ii) to enable senior citizens, disabled persons,
17 and low-income persons to acquire prescription drugs.

18 (Source: P.A. 77-2059.)

19 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

20 Sec. 4. Amount of Grant.

21 (a) In general. Any individual 65 years or older or any
22 individual who will become 65 years old during the calendar
23 year in which a claim is filed, and any surviving spouse of
24 such a claimant, who at the time of death received or was
25 entitled to receive a grant pursuant to this Section, which
26 surviving spouse will become 65 years of age within the 24
27 months immediately following the death of such claimant and
28 which surviving spouse but for his or her age is otherwise
29 qualified to receive a grant pursuant to this Section, and
30 any disabled person whose annual household income is less
31 than \$14,000 for grant years before the 1998 grant year, less

1 than \$16,000 for the 1998 and 1999 grant years, and less than
2 (i) \$21,218 for a household containing one person, (ii)
3 \$28,480 for a household containing 2 persons, or (iii)
4 \$35,740 for a household containing 3 or more persons for the
5 2000 grant year and thereafter and whose household is liable
6 for payment of property taxes accrued or has paid rent
7 constituting property taxes accrued and is domiciled in this
8 State at the time he files his claim is entitled to claim a
9 grant under this Act. With respect to claims filed by
10 individuals who will become 65 years old during the calendar
11 year in which a claim is filed, the amount of any grant to
12 which that household is entitled shall be an amount equal to
13 1/12 of the amount to which the claimant would otherwise be
14 entitled as provided in this Section, multiplied by the
15 number of months in which the claimant was 65 in the calendar
16 year in which the claim is filed.

17 (b) Limitation. Except as otherwise provided in
18 subsections (a) and (f) of this Section, the maximum amount
19 of grant which a claimant is entitled to claim is the amount
20 by which the property taxes accrued which were paid or
21 payable during the last preceding tax year or rent
22 constituting property taxes accrued upon the claimant's
23 residence for the last preceding taxable year exceeds 3 1/2%
24 of the claimant's household income for that year but in no
25 event is the grant to exceed (i) \$700 less 4.5% of household
26 income for that year for those with a household income of
27 \$14,000 or less or (ii) \$70 if household income for that year
28 is more than \$14,000.

29 (c) Public aid recipients. If household income in one
30 or more months during a year includes cash assistance in
31 excess of \$55 per month from the Department of Public Aid or
32 the Department of Human Services (acting as successor to the
33 Department of Public Aid under the Department of Human
34 Services Act) which was determined under regulations of that

1 Department on a measure of need that included an allowance
2 for actual rent or property taxes paid by the recipient of
3 that assistance, the amount of grant to which that household
4 is entitled, except as otherwise provided in subsection (a),
5 shall be the product of (1) the maximum amount computed as
6 specified in subsection (b) of this Section and (2) the ratio
7 of the number of months in which household income did not
8 include such cash assistance over \$55 to the number twelve.
9 If household income did not include such cash assistance over
10 \$55 for any months during the year, the amount of the grant
11 to which the household is entitled shall be the maximum
12 amount computed as specified in subsection (b) of this
13 Section. For purposes of this paragraph (c), "cash
14 assistance" does not include any amount received under the
15 federal Supplemental Security Income (SSI) program.

16 (d) Joint ownership. If title to the residence is held
17 jointly by the claimant with a person who is not a member of
18 his household, the amount of property taxes accrued used in
19 computing the amount of grant to which he is entitled shall
20 be the same percentage of property taxes accrued as is the
21 percentage of ownership held by the claimant in the
22 residence.

23 (e) More than one residence. If a claimant has occupied
24 more than one residence in the taxable year, he may claim
25 only one residence for any part of a month. In the case of
26 property taxes accrued, he shall pro rate 1/12 of the total
27 property taxes accrued on his residence to each month that he
28 owned and occupied that residence; and, in the case of rent
29 constituting property taxes accrued, shall pro rate each
30 month's rent payments to the residence actually occupied
31 during that month.

32 (f) There is hereby established a program of
33 pharmaceutical assistance to the aged and disabled which
34 shall be administered by the Department in accordance with

1 this Act, to consist of payments to authorized pharmacies, on
2 behalf of beneficiaries of the program, for the reasonable
3 costs of covered prescription drugs. Each beneficiary who
4 pays \$5 for an identification card shall pay no additional
5 prescription costs. Each beneficiary who pays \$25 for an
6 identification card shall pay \$3 per prescription. In
7 addition, after a beneficiary receives \$2,000 in benefits
8 during a State fiscal year, that beneficiary shall also be
9 charged 20% of the cost of each prescription for which
10 payments are made by the program during the remainder of the
11 fiscal year. To become a beneficiary under this program a
12 person must be: (1) (i) be 65 years or older, or (ii) be the
13 surviving spouse of such a claimant, who at the time of death
14 received or was entitled to receive benefits pursuant to this
15 subsection, which surviving spouse will become 65 years of
16 age within the 24 months immediately following the death of
17 such claimant and which surviving spouse but for his or her
18 age is otherwise qualified to receive benefits pursuant to
19 this subsection, or (iii) be disabled, or (iv) have an annual
20 household income that does not exceed 300% of the poverty
21 guidelines updated annually in the Federal Register by the
22 U.S. Department of Health and Human Services under authority
23 of 42 U.S.C. 9902(2), and (2) be is domiciled in this State
24 at the time he or she files his or her claim, and (3) if the
25 person claims assistance under item (1)(i), (1)(ii), or
26 (1)(iii), have has a maximum household income of less than
27 \$14,000 for grant years before the 1998 grant year, less than
28 \$16,000 for the 1998 and 1999 grant years, and less than (i)
29 \$21,218 for a household containing one person, (ii) \$28,480
30 for a household containing 2 persons, or (iii) \$35,740 for a
31 household containing 3 more persons for the 2000 grant year
32 and thereafter. In addition, each eligible person must (1)
33 obtain an identification card from the Department, (2) at the
34 time the card is obtained, sign a statement assigning to the

1 State of Illinois benefits which may be otherwise claimed
2 under any private insurance plans, (3) present the
3 identification card to the dispensing pharmacist.

4 Whenever a generic equivalent for a covered prescription
5 drug is available, the Department shall reimburse only for
6 the reasonable costs of the generic equivalent, less the
7 co-pay established in this Section, unless (i) the covered
8 prescription drug contains one or more ingredients defined as
9 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the
10 prescriber indicates on the face of the prescription "brand
11 medically necessary", and (iii) the prescriber specifies that
12 a substitution is not permitted. When issuing an oral
13 prescription for covered prescription medication described in
14 item (i) of this paragraph, the prescriber shall stipulate
15 "brand medically necessary" and that a substitution is not
16 permitted. If the covered prescription drug and its
17 authorizing prescription do not meet the criteria listed
18 above, the beneficiary may purchase the non-generic
19 equivalent of the covered prescription drug by paying the
20 difference between the generic cost and the non-generic cost
21 plus the beneficiary co-pay.

22 Any person otherwise eligible for pharmaceutical
23 assistance under this Act whose covered drugs are covered by
24 any public program for assistance in purchasing any covered
25 prescription drugs shall be ineligible for assistance under
26 this Act to the extent such costs are covered by such other
27 plan.

28 The fee to be charged by the Department for the
29 identification card shall be equal to \$5 for persons below
30 the official poverty line as defined by the United States
31 Department of Health and Human Services and \$25 for all other
32 persons.

33 In the event that 2 or more persons are eligible for any
34 benefit under this Act, and are members of the same

1 household, (1) each such person shall be entitled to
 2 participate in the pharmaceutical assistance program,
 3 provided that he or she meets all other requirements imposed
 4 by this subsection and (2) each participating household
 5 member contributes the fee required for that person by the
 6 preceding paragraph for the purpose of obtaining an
 7 identification card. Pharmaceutical assistance for persons
 8 who are eligible for that assistance based on an annual
 9 household income that does not exceed 300% of the poverty
 10 guidelines as defined in this Section shall be funded by
 11 appropriations from the Pharmaceutical Assistance Fund, a
 12 special fund established in the State treasury. Moneys shall
 13 be deposited into the fund as provided in Section 6b-1 of the
 14 State Finance Act and Section 18 of the Uniform Disposition
 15 of Unclaimed Property Act.

16 (Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99;
 17 91-699, eff. 1-1-01.)

18 Section 15. The Uniform Disposition of Unclaimed
 19 Property Act is amended by changing Section 18 as follows:

20 (765 ILCS 1025/18) (from Ch. 141, par. 118)

21 Sec. 18. (a) All funds received under this Act,
 22 including the proceeds from the sale of abandoned property
 23 under Section 17, shall forthwith be deposited in the State
 24 Pensions Fund in the State treasury, except that the State
 25 Treasurer shall retain in a separate trust fund an amount not
 26 exceeding \$2,500,000 from which he or she shall make prompt
 27 payment of claims he or she duly allows as hereinafter
 28 provided. However, should any claim be allowed or any refund
 29 ordered under the provisions of this Act, in excess of
 30 \$2,500,000, the State Treasurer shall increase the amount of
 31 such separate trust fund to an amount necessary for prompt
 32 payment of such claim in excess of \$2,500,000 and make prompt

1 payment thereof. Before making the deposit the State
2 Treasurer shall record the name and last known address of
3 each person appearing from the holders' reports to be
4 entitled to the abandoned property. The record shall be
5 available for public inspection at all reasonable business
6 hours.

7 (a-5) If any interest is earned on funds received under
8 this Act, including the proceeds from the sale of abandoned
9 property under Section 17, before those funds or proceeds are
10 deposited into the State Pensions Fund, that interest shall
11 be deposited into the Pharmaceutical Assistance Fund.

12 (b) Before making any deposit to the credit of the State
13 Pensions Fund, the State Treasurer may deduct: (1) any costs
14 in connection with sale of abandoned property, (2) any costs
15 of mailing and publication in connection with any abandoned
16 property, and (3) any costs in connection with the
17 maintenance of records or disposition of claims made pursuant
18 to this Act. The State Treasurer shall semiannually file an
19 itemized report of all such expenses with the Legislative
20 Audit Commission.

21 (Source: P.A. 91-16, eff. 7-1-99.)

22 Section 99. Effective date. This Act takes effect on
23 January 1, 2002.